

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

NATHAN RILEY,	:	CIVIL ACTION
	:	NO. 21-cv-5360
Petitioner,	:	
	:	
v.	:	
	:	
JOHN WETZEL, et al.,	:	
	:	
Respondents.	:	

O R D E R

AND NOW, this **23th** day of **May, 2023**, upon consideration of Riley's petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 (ECF No. 1) and the response thereto, the record, and the Report and Recommendation of United States Magistrate Judge Lynne A. Sitarski (ECF No. 10), there being no objections,¹

¹ When neither party files timely objections to a magistrate judge's report and recommendation ("R&R") on a dispositive issue, the district court is not required to review the R&R before adopting it. Thomas v. Arn, 474 U.S. 140, 150 (1985) ("It does not appear that Congress intended to require district court review of a magistrate's factual or legal conclusions, under a de novo or any other standard, when neither party objects to those findings."). However, the Third Circuit has held that "in the absence of objections . . . the better practice is for the district judge to afford some level of review to dispositive legal issues raised by the report." Henderson v. Carlson, 812 F.2d 874, 878 (3d Cir. 1987); see also Fed R. Civ. P. 72, 1983 advisory committee notes ("When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.").

In that neither party has filed objections to the R&R, this Court has reviewed it for clear error and has found none. Specifically, the Court agrees with Judge Sitarski that it was not contrary to or an unreasonable application of Miller vs. Alabama, 567 U.S. 460 (2012) to conclude that Miller only prohibits

it is hereby **ORDERED** that:

1. The Report and Recommendation is **APPROVED** and **ADOPTED**;
2. Riley's petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 is **DENIED**, and there is no basis for the issuance of a certificate of appealability; and
3. The Clerk of Court shall mark the case as **CLOSED**.

AND IT IS SO ORDERED.

Eduardo C. Robreno

EDUARDO C. ROBRENO, J.

mandatory parole-ineligible life sentences for juvenile offenders, and not sentences of life-time parole as advocated by Petitioner.